

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5490**

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending sections 102, 206, 303, and 401 (MCL 333.27102, 333.27206, 333.27303, and 333.27401), section 102 as amended by 2019 PA 3, section 206 as amended by 2020 PA 32, and section 401 as amended by 2018 PA 582, and by adding section 206a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 102. As used in this act:

2           (a) "Advisory panel" or "panel" means the ~~marihuana advisory~~  
3 ~~panel created in section 801.~~ **marijuana regulatory agency.**

4           (b) "Affiliate" means any person that controls, is controlled  
5 by, or is under common control with; is in a partnership or joint  
6 venture relationship with; or is a co-shareholder of a corporation,



1 a co-member of a limited liability company, or a co-partner in a  
2 limited liability partnership with a licensee or applicant.

3 (c) "Applicant" means a person who applies for a state  
4 operating license. Applicant includes, with respect to disclosures  
5 in an application, for purposes of ineligibility for a license  
6 under section 402, or for purposes of prior ~~board~~**marijuana**  
7 **regulatory agency** approval of a transfer of interest under section  
8 406, and only for applications submitted on or after January 1,  
9 2019, a managerial employee of the applicant, a person holding a  
10 direct or indirect ownership interest of more than 10% in the  
11 applicant, and the following for each type of applicant:

12 (i) For an individual or sole proprietorship: the proprietor  
13 and **the proprietor's** spouse.

14 (ii) For a partnership and limited liability partnership: all  
15 partners and their spouses. For a limited partnership and limited  
16 liability limited partnership: all general and limited partners,  
17 not including a limited partner holding a direct or indirect  
18 ownership interest of 10% or less and who does not exercise control  
19 over or participate in the management of the partnership, and their  
20 spouses. For a limited liability company: all members and managers,  
21 not including a member holding a direct or indirect ownership  
22 interest of 10% or less and who does not exercise control over or  
23 participate in the management of the company, and their spouses.

24 (iii) For a privately held corporation: all corporate officers  
25 or persons with equivalent titles and their spouses, all directors  
26 and their spouses, and all stockholders, not including those  
27 holding a direct or indirect ownership interest of 10% or less, and  
28 their spouses.

29 (iv) For a publicly held corporation: all corporate officers or



1 persons with equivalent titles and their spouses, all directors and  
 2 their spouses, and all stockholders, not including those holding a  
 3 direct or indirect ownership interest of 10% or less, and their  
 4 spouses.

5 (v) For a multilevel ownership enterprise: any entity or  
 6 person that receives or has the right to receive more than 10% of  
 7 the gross or net profit from the enterprise during any full or  
 8 partial calendar or fiscal year.

9 (vi) For a nonprofit corporation: all individuals and entities  
 10 with membership or shareholder rights in accordance with the  
 11 articles of incorporation or the bylaws and ~~their~~**the** spouses **of**  
 12 **the individuals.**

13 (d) "Board" means the ~~medical marihuana licensing board~~  
 14 ~~created in section 301.~~**marijuana regulatory agency.**

15 (e) "Cutting" means a section of a lead stem or root stock  
 16 that is used for vegetative asexual propagation.

17 (f) "Department" means the department of licensing and  
 18 regulatory affairs.

19 (g) "Grower" means a licensee that is a commercial entity  
 20 located in this state that cultivates, dries, trims, or cures and  
 21 packages marihuana for sale to a processor, provisioning center, or  
 22 another grower.

23 (h) "Industrial hemp" means that term as defined in section  
 24 7106 of the public health code, 1978 PA 368, MCL 333.7106.

25 (i) "Industrial hemp research and development act" means the  
 26 industrial hemp research and development act, 2014 PA 547, **MCL**  
 27 **286.841 to 286.859.**

28 (j) "Licensee" means a person holding a state operating  
 29 license.



1 (k) "Marihuana" means that term as defined in section 7106 of  
2 the public health code, 1978 PA 368, MCL 333.7106.

3 (l) "Marihuana facility" means a location at which a licensee  
4 is licensed to operate under this act.

5 (m) "Marihuana plant" means any plant of the species *Cannabis*  
6 *sativa* L. Marihuana plant does not include industrial hemp.

7 (n) "Marihuana-infused product" means a topical formulation,  
8 tincture, beverage, edible substance, or similar product containing  
9 any usable marihuana that is intended for human consumption in a  
10 manner other than smoke inhalation. Marihuana-infused product is  
11 not considered a food for purposes of the food law, 2000 PA 92, MCL  
12 289.1101 to 289.8111.

13 (o) "Marihuana tracking act" means the marihuana tracking act,  
14 2016 PA 282, MCL 333.27901 to 333.27904.

15 (p) **"Marijuana regulatory agency" means the marijuana**  
16 **regulatory agency created under Executive Reorganization Order No.**  
17 **2019-2, MCL 333.27001.**

18 (q) ~~(p)~~ "Michigan medical marihuana act" means the Michigan  
19 ~~medical marihuana act,~~ **Medical Marihuana Act**, 2008 IL 1, MCL  
20 333.26421 to 333.26430.

21 (r) ~~(q)~~ "Municipality" means a city, township, or village.

22 (s) ~~(r)~~ "Paraphernalia" means any equipment, product, or  
23 material of any kind that is designed for or used in growing,  
24 cultivating, producing, manufacturing, compounding, converting,  
25 storing, processing, preparing, transporting, injecting, smoking,  
26 ingesting, inhaling, or otherwise introducing into the human body,  
27 marihuana.

28 (t) ~~(s)~~ "Person" means an individual, corporation, limited  
29 liability company, partnership, limited partnership, limited



1 liability partnership, limited liability limited partnership,  
2 trust, or other legal entity.

3 (u) ~~(t)~~—"Plant" means any living organism that produces its  
4 own food through photosynthesis and has observable root formation  
5 or is in growth material.

6 (v) ~~(u)~~—"Processor" means a licensee that is a commercial  
7 entity located in this state that purchases marihuana from a grower  
8 and that extracts resin from the marihuana or creates a marihuana-  
9 infused product for sale and transfer in packaged form to a  
10 provisioning center or another processor.

11 (w) ~~(v)~~—"Provisioning center" means a licensee that is a  
12 commercial entity located in this state that purchases marihuana  
13 from a grower or processor and sells, supplies, or provides  
14 marihuana to registered qualifying patients, directly or through  
15 the patients' registered primary caregivers. Provisioning center  
16 includes any commercial property where marihuana is sold at retail  
17 to registered qualifying patients or registered primary caregivers.  
18 A noncommercial location used by a registered primary caregiver to  
19 assist a qualifying patient connected to the caregiver through the  
20 department's marihuana registration process in accordance with the  
21 Michigan ~~medical marihuana act~~ **Medical Marihuana Act** is not a  
22 provisioning center for purposes of this act.

23 (x) ~~(w)~~—"Registered primary caregiver" means a primary  
24 caregiver who has been issued a current registry identification  
25 card under the Michigan ~~medical marihuana act~~ **Medical Marihuana**  
26 **Act**.

27 (y) ~~(x)~~—"Registered qualifying patient" means a qualifying  
28 patient who has been issued a current registry identification card  
29 under the Michigan ~~medical marihuana act~~ **Medical Marihuana Act** or a



1 visiting qualifying patient as that term is defined in section 3 of  
 2 the Michigan ~~medical marihuana act~~, **Medical Marihuana Act**, MCL  
 3 333.26423.

4 (z) ~~(y)~~—"Registry identification card" means that term as  
 5 defined in section 3 of the Michigan ~~medical marihuana act~~, **Medical**  
 6 **Marihuana Act**, MCL 333.26423.

7 (aa) ~~(z)~~—"Rules" means rules promulgated under the  
 8 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
 9 24.328, by the ~~department in consultation with the board~~ **marijuana**  
 10 **regulatory agency** to implement this act.

11 (bb) ~~(aa)~~—"Safety compliance facility" means a licensee that  
 12 is a commercial entity that takes marihuana from a marihuana  
 13 facility or receives marihuana from a registered primary caregiver,  
 14 tests the marihuana for contaminants and for tetrahydrocannabinol  
 15 and other cannabinoids, returns the test results, and may return  
 16 the marihuana to the marihuana facility.

17 (cc) ~~(bb)~~—"Secure transporter" means a licensee that is a  
 18 commercial entity located in this state that stores marihuana and  
 19 transports marihuana between marihuana facilities for a fee.

20 (dd) ~~(ee)~~—"Seed" means the fertilized, ungerminated, matured  
 21 ovule, containing an embryo or rudimentary plant, of a marihuana  
 22 plant that is flowering.

23 (ee) ~~(dd)~~—"Seedling" means a marihuana plant that has  
 24 germinated and has not flowered and is not harvestable.

25 (ff) ~~(ee)~~—"State operating license" or, unless the context  
 26 requires a different meaning, "license" means a license that is  
 27 issued under this act that allows the licensee to operate as 1 of  
 28 the following, specified in the license:

29 (i) A grower.



1 (ii) A processor.

2 (iii) A secure transporter.

3 (iv) A provisioning center.

4 (v) A safety compliance facility.

5 (gg) ~~(ff)~~—"Statewide monitoring system" or, unless the context  
6 requires a different meaning, "system" means an internet-based,  
7 statewide database established, implemented, and maintained by the  
8 department under the marihuana tracking act, that is available to  
9 licensees, law enforcement agencies, and authorized state  
10 departments and agencies on a 24-hour basis for all of the  
11 following:

12 (i) Verifying registry identification cards.

13 (ii) Tracking marihuana transfer and transportation by  
14 licensees, including transferee, date, quantity, and price.

15 (iii) Verifying in commercially reasonable time that a transfer  
16 will not exceed the limit that the patient or caregiver is  
17 authorized to receive under section 4 of the Michigan medical  
18 marihuana act, MCL 333.26424.

19 (hh) ~~(gg)~~—"Tissue culture" means a marihuana plant cell,  
20 cutting, tissue, or organ, that is kept under a sterile condition  
21 on a nutrient culture medium of known composition and that does not  
22 have visible root formation. A tissue culture is not a marihuana  
23 plant for purposes of a grower.

24 (ii) ~~(hh)~~—"Usable marihuana" means the dried leaves, flowers,  
25 plant resin, or extract of the marihuana plant, but does not  
26 include the seeds, stalks, and roots of the plant.

27 Sec. 206. ~~(1)~~—The marijuana regulatory agency shall promulgate  
28 rules and emergency rules as necessary to implement, administer,  
29 and enforce this act. The rules must ensure the safety, security,



1 and integrity of the operation of marihuana facilities, and must  
2 include rules to do the following:

3 (a) Set appropriate standards for marihuana facilities and  
4 associated equipment.

5 (b) Subject to section 408, establish minimum levels of  
6 insurance that licensees must maintain.

7 (c) Establish operating regulations for each category of  
8 license to ensure the health, safety, and security of the public  
9 and the integrity of marihuana facility operations.

10 (d) Establish qualifications and restrictions for persons  
11 participating in or involved with operating marihuana facilities.

12 (e) Establish testing standards, procedures, and requirements  
13 for marihuana sold through provisioning centers.

14 (f) Provide for the levy and collection of fines for a  
15 violation of this act or rules.

16 (g) Prescribe use of the statewide monitoring system to track  
17 all marihuana transfers, as provided in the marihuana tracking act  
18 and this act, and provide for a funding mechanism to support the  
19 system.

20 (h) Establish quality control standards, procedures, and  
21 requirements for marihuana facilities.

22 (i) Establish chain of custody standards, procedures, and  
23 requirements for marihuana facilities.

24 (j) Establish standards, procedures, and requirements for  
25 waste product disposal and storage by marihuana facilities.

26 (k) Establish chemical storage standards, procedures, and  
27 requirements for marihuana facilities.

28 (l) Establish standards, procedures, and requirements for  
29 securely and safely transporting marihuana between marihuana





1 facilities.

2 (m) Establish standards, procedures, and requirements for the  
3 storage of marihuana by marihuana facilities.

4 (n) Establish labeling and packaging standards, procedures,  
5 and requirements for marihuana sold or transferred through  
6 provisioning centers, including, but not limited to:

7 (i) A prohibition on labeling or packaging that is intended to  
8 appeal to or has the effect of appealing to minors.

9 (ii) A requirement that all marihuana sold through provisioning  
10 centers include on the exterior of the marihuana packaging the  
11 following warning printed in clearly legible type and surrounded by  
12 a continuous heavy line:

13 WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY  
14 WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL  
15 INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENTAL  
16 PROBLEMS FOR THE CHILD.

17 (o) Establish daily and monthly purchasing limits at  
18 provisioning centers for registered qualifying patients and  
19 registered primary caregivers to ensure compliance with the  
20 Michigan ~~medical marihuana act.~~ **Medical Marihuana Act.**

21 (p) Establish marketing and advertising restrictions for  
22 marihuana products and marihuana facilities.

23 (q) Establish maximum tetrahydrocannabinol levels for  
24 marihuana-infused products sold or transferred through provisioning  
25 centers.

26 (r) Establish health standards to ensure the safe preparation  
27 of products containing marihuana that are intended for human  
28 consumption in a manner other than smoke inhalation.

29 (s) Establish restrictions on edible marihuana-infused



1 products to prohibit shapes that would appeal to minors.

2 (t) Establish standards, procedures, and requirements for the  
3 sale of industrial hemp from a provisioning center to a registered  
4 qualified patient. The rules promulgated under this subdivision  
5 must be promulgated before March 1, 2019.

6 (u) Establish informational pamphlet standards for  
7 provisioning centers including, but not limited to, a requirement  
8 to make available to every patron at the time of sale a pamphlet  
9 measuring 3.5 inches by 5 inches that includes safety information  
10 related to marihuana use by minors and the poison control hotline  
11 number.

12 (v) **Establish procedures and standards for approving an**  
13 **appointee to operate a marihuana facility under section 206a.**

14 ~~(2) As used in this section, "marijuana regulatory agency"~~  
15 ~~means the marijuana regulatory agency created under Executive~~  
16 ~~Reorganization Order No. 2019-2, MCL 333.27001.~~

17 **Sec. 206a. (1) The marijuana regulatory agency may approve the**  
18 **operation of a marihuana facility by any of the following:**

19 (a) A court-appointed personal representative, guardian, or  
20 conservator of an individual who holds a state license or has an  
21 interest in a person that holds a state license.

22 (b) A court-appointed receiver or trustee.

23 (2) If an individual approved to operate a marihuana facility  
24 under subsection (1) receives notice from the marijuana regulatory  
25 agency that the marihuana facility the individual is operating is  
26 in violation of this act or rules, the individual shall notify the  
27 court that appointed the individual of the notice of violation  
28 within 2 days after receiving the notice of violation.

29 **Sec. 303. (1) The ~~board~~ marijuana regulatory agency has**



1 jurisdiction over the operation of all marihuana facilities. The  
2 ~~board~~ **marijuana regulatory agency** has all powers necessary and  
3 proper to fully and effectively oversee the operation of marihuana  
4 facilities, including the authority to do all of the following:

5 (a) Investigate applicants for state operating licenses,  
6 determine the eligibility for licenses, and grant licenses to  
7 applicants in accordance with this act and the rules.

8 (b) Investigate all individuals employed by marihuana  
9 facilities.

10 (c) At any time, through its investigators, agents, auditors,  
11 or the state police, without a warrant and without notice to the  
12 licensee, enter the premises, offices, facilities, or other places  
13 of business of a licensee, if evidence of compliance or  
14 noncompliance with this act or rules is likely to be found and  
15 consistent with constitutional limitations, for the following  
16 purposes:

17 (i) To inspect and examine all premises of marihuana  
18 facilities.

19 (ii) To inspect, examine, and audit relevant records of the  
20 licensee and, if the licensee fails to cooperate with an  
21 investigation, impound, seize, assume physical control of, or  
22 summarily remove from the premises all books, ledgers, documents,  
23 writings, photocopies, correspondence, records, and videotapes,  
24 including electronically stored records, money receptacles, or  
25 equipment in which the records are stored.

26 (iii) To inspect the person, and inspect or examine personal  
27 effects present in a marihuana facility, of any holder of a state  
28 operating license while that person is present in a marihuana  
29 facility.



1 (iv) To investigate alleged violations of this act or rules.

2 (d) Investigate alleged violations of this act or rules and  
3 take appropriate disciplinary action against a licensee.

4 (e) Consult with the department in adopting rules to establish  
5 appropriate standards for marihuana facilities and associated  
6 equipment.

7 (f) Require all relevant records of licensees, including  
8 financial or other statements, to be kept on the premises  
9 authorized for operation of the marihuana facility of the licensee  
10 or in the manner prescribed by the ~~board~~**marijuana regulatory**  
11 **agency**.

12 (g) Require that each licensee of a marihuana facility submit  
13 to the ~~board~~**marijuana regulatory agency** a list of the stockholders  
14 or other persons having a ~~1%~~**2.5%** or greater beneficial interest in  
15 the facility in addition to any other information the ~~board~~  
16 **marijuana regulatory agency** considers necessary to effectively  
17 administer this act and rules, orders, and final decisions made  
18 under this act.

19 (h) Eject, or exclude or authorize the ejection or exclusion  
20 of, an individual from a marihuana facility if the individual  
21 violates this act, rules, or final orders of the ~~board~~**marijuana**  
22 **regulatory agency**. However, the propriety of the ejection or  
23 exclusion is subject to a subsequent hearing by the ~~board~~**marijuana**  
24 **regulatory agency**.

25 (i) Conduct periodic audits of marihuana facilities licensed  
26 under this act.

27 (j) Consult with the department as to appropriate minimum  
28 levels of insurance for licensees in addition to the minimum  
29 established under section 408 for liability insurance.



1 (k) Delegate the execution of any of its powers that are not  
 2 specifically and exclusively reserved to the ~~board-marijuana~~  
 3 **regulatory agency** under this act for the purpose of administering  
 4 and enforcing this act and rules.

5 (l) Take disciplinary action as the ~~board-marijuana regulatory~~  
 6 **agency** considers appropriate to prevent practices that violate this  
 7 act and rules.

8 (m) Review a licensee if that licensee is under review or the  
 9 subject of discipline by a regulatory body in any other  
 10 jurisdiction for a violation of a controlled substance or marihuana  
 11 law or regulation in that jurisdiction.

12 (n) Take any other reasonable or appropriate action to enforce  
 13 this act and rules.

14 (2) The ~~board-marijuana regulatory agency~~ may seek and shall  
 15 receive the cooperation and assistance of the department of state  
 16 police in conducting background investigations of applicants and in  
 17 fulfilling its responsibilities under this act. The department of  
 18 state police may recover its costs of cooperation under this  
 19 subsection.

20 Sec. 401. (1) ~~Beginning December 15, 2017, a~~ **A** person may  
 21 apply to the ~~board-marijuana regulatory agency~~ for state operating  
 22 licenses in the categories of class A, B, or C grower; processor;  
 23 provisioning center; secure transporter; and safety compliance  
 24 facility as provided in this act. The application shall be made  
 25 under oath on a form provided by the ~~board-marijuana regulatory~~  
 26 **agency** and shall contain information as prescribed by the ~~board,~~  
 27 **marijuana regulatory agency**, including, but not limited to, all of  
 28 the following:

29 (a) The name, business address, business telephone number,



1 Social Security number, and, if applicable, federal tax  
2 identification number of the applicant.

3 (b) The identity of every person having ~~any~~ **a 2.5% or greater**  
4 ownership interest in the applicant with respect to which the  
5 license is sought. If the disclosed entity is a trust, the  
6 application shall disclose the names and addresses of the  
7 beneficiaries; if a privately held corporation, the names and  
8 addresses of all shareholders, officers, and directors; if a  
9 publicly held corporation, the names and addresses of all  
10 shareholders holding a direct or indirect interest of greater than  
11 5%, officers, and directors; if a partnership or limited liability  
12 partnership, the names and addresses of all partners; if a limited  
13 partnership or limited liability limited partnership, the names of  
14 all partners, both general and limited; or if a limited liability  
15 company, the names and addresses of all members and managers.

16 (c) An identification of any business that is directly or  
17 indirectly involved in the growing, processing, testing,  
18 transporting, or sale of marihuana, including, if applicable, the  
19 state of incorporation or registration, in which an applicant or,  
20 if the applicant is an individual, the applicant's spouse, parent,  
21 or child has any equity interest. If an applicant is a corporation,  
22 partnership, or other business entity, the applicant shall identify  
23 any other corporation, partnership, or other business entity that  
24 is directly or indirectly involved in the growing, processing,  
25 testing, transporting, or sale of marihuana in which it has any  
26 equity interest, including, if applicable, the state of  
27 incorporation or registration. An applicant may comply with this  
28 subdivision by filing a copy of the applicant's registration with  
29 the Securities and Exchange Commission if the registration contains



1 the information required by this subdivision.

2 (d) Whether an applicant has been indicted for, charged with,  
3 arrested for, or convicted of, pled guilty or nolo contendere to,  
4 forfeited bail concerning any criminal offense under the laws of  
5 any jurisdiction, either felony or controlled-substance-related  
6 misdemeanor, not including traffic violations, regardless of  
7 whether the offense has been reversed on appeal or otherwise,  
8 including the date, the name and location of the court, arresting  
9 agency, and prosecuting agency, the case caption, the docket  
10 number, the offense, the disposition, and the location and length  
11 of incarceration.

12 (e) Whether an applicant has ever applied for or has been  
13 granted any commercial license or certificate issued by a licensing  
14 authority in Michigan or any other jurisdiction that has been  
15 denied, restricted, suspended, revoked, or not renewed and a  
16 statement describing the facts and circumstances concerning the  
17 application, denial, restriction, suspension, revocation, or  
18 nonrenewal, including the licensing authority, the date each action  
19 was taken, and the reason for each action.

20 (f) Whether an applicant has filed, or been served with, a  
21 complaint or other notice filed with any public body, regarding the  
22 delinquency in the payment of, or a dispute over the filings  
23 concerning the payment of, any tax required under federal, state,  
24 or local law, including the amount, type of tax, taxing agency, and  
25 time periods involved.

26 (g) A statement listing the names and titles of all public  
27 officials or officers of any unit of government, and the spouses,  
28 parents, and children of those public officials or officers, who,  
29 directly or indirectly, own any financial interest in, have any



1 beneficial interest in, are the creditors of or hold any debt  
 2 instrument issued by, or hold or have any interest in any  
 3 contractual or service relationship with an applicant. As used in  
 4 this subdivision, public official or officer does not include a  
 5 person who would have to be listed solely because of his or her  
 6 state or federal military service.

7 (h) A description of the type of marihuana facility;  
 8 anticipated or actual number of employees; and projected or actual  
 9 gross receipts.

10 (i) Financial information in the manner and form prescribed by  
 11 the ~~board~~ **marijuana regulatory agency**.

12 (j) A paper copy or electronic posting website reference for  
 13 the ordinance or zoning restriction that the municipality adopted  
 14 to authorize or restrict operation of 1 or more marihuana  
 15 facilities in the municipality.

16 (k) A copy of the notice informing the municipality by  
 17 registered mail that the applicant has applied for a license under  
 18 this act. The applicant shall also certify that it has delivered  
 19 the notice to the municipality or will do so by 10 days after the  
 20 date the applicant submits the application for a license to the  
 21 ~~board~~ **marijuana regulatory agency**.

22 (l) Any other information the department requires by rule.

23 (2) The ~~board~~ **marijuana regulatory agency** shall use  
 24 information provided on the application as a basis to conduct a  
 25 thorough background investigation on the applicant. A false  
 26 application is cause for the ~~board~~ **marijuana regulatory agency** to  
 27 deny a license. The ~~board~~ **marijuana regulatory agency** shall not  
 28 consider an incomplete application but shall, within a reasonable  
 29 time, return the application to the applicant with notification of





1 the deficiency and instructions for submitting a corrected  
2 application. Information the ~~board~~ **marijuana regulatory agency**  
3 obtains from the background investigation is exempt from disclosure  
4 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
5 15.246.

6 (3) An applicant must provide written consent to the  
7 inspections, examinations, searches, and seizures provided for in  
8 section 303(1)(c)(i) to (iv) and to disclosure to the ~~board~~ **marijuana**  
9 **regulatory agency** and its agents of otherwise confidential records,  
10 including tax records held by any federal, state, or local agency,  
11 or credit bureau or financial institution, while applying for or  
12 holding a license. Information the ~~board~~ **marijuana regulatory**  
13 **agency** receives under this subsection is exempt from disclosure  
14 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
15 15.246.

16 (4) An applicant must certify that the applicant does not have  
17 an interest in any other state operating license that is prohibited  
18 under this act.

19 (5) A nonrefundable application fee must be paid at the time  
20 of filing to defray the costs associated with the background  
21 investigation conducted by the ~~board~~ **marijuana regulatory agency**.  
22 The ~~department in consultation with the board~~ **marijuana regulatory**  
23 **agency** shall set the amount of the application fee for each  
24 category and class of license by rule. If the costs of the  
25 investigation and processing the application exceed the application  
26 fee, the applicant shall pay the additional amount to the ~~board~~.  
27 **marijuana regulatory agency**. All information, records, interviews,  
28 reports, statements, memoranda, or other data supplied to or used  
29 by the ~~board~~ **marijuana regulatory agency** in the course of its



1 review or investigation of an application for a license under this  
2 act shall be disclosed only in accordance with this act. The  
3 information, records, interviews, reports, statements, memoranda,  
4 or other data are not admissible as evidence or discoverable in any  
5 action of any kind in any court or before any tribunal, board,  
6 agency, or person, except for any action considered necessary by  
7 the ~~board~~**marijuana regulatory agency**.

8 (6) By 10 days after the date the applicant submits an  
9 application to the ~~board~~**marijuana regulatory agency**, the  
10 applicant shall notify the municipality by registered mail that it  
11 has applied for a license under this act.

